

## SHANKS &amp; HERBERT

Intellectual Property Advocates

10/069357

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May 8, 2002

Honorable Commissioner of  
Patents and Trademarks  
Washington, D.C. 20231

Re: U.S. Patent Application  
Serial No.: 10/069,357  
Filed: February 25, 2002  
For: Phospholipid Gel  
Inventors: *Ibscher, et al.*  
Attorney Docket No.: 0273-0009

Sir:

The following documents are forwarded herewith for appropriate action by the U.S. Patent and Trademark Office:

1. Response to Notice to File Missing Parts of Application;
2. Copy of Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US);
3. Executed Combined Declaration and Power of Attorney for Patent Application;
4. Assignment Cover Sheet (PTO Form 1595);
5. Executed Assignment;
6. Check No. 12759 in the amount of \$206.00 (Surcharge, additional claims fee and assignment recordation fee); and
7. One (1) return postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier.

Respectfully submitted,

SHANKS &amp; HERBERT

  
Joseph G. Contrera  
Reg. No. 44,628

West Coast Office

4350 La Jolla Village Drive, Suite 330, San Diego, Ca 92122  
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

IBSCHER, et al.

Serial No. 10/069,357

Filed: February 25, 2002

For: Phospholipid Gel

Art Unit: To Be Assigned

Examiner: To Be Assigned

Atty. Docket: 0273-0009

**RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION**

Assistant Commissioner of Patents  
Washington, D.C. 20231

Attention: Manager, Application Branch

Sir:

In response to the communication of April 24, 2002, Applicants submit a Declaration/Power of Attorney for filing in the above-identified application, the required fee of \$166.00 (surcharge and additional claims fee), and a copy of the Notice of Missing Parts.

Please associate the enclosed declaration with the above-identified application.

If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. **50-0622**. If a fee is required for an

extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

SHANKS & HERBERT

By:   
Joseph G. Contrera  
Reg. No. 44,628

Date: 5/8/02

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CEA



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box PCT  
 United States Patent and Trademark Office  
 Washington, D.C. 20231  
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	<b>RECEIVED</b>	ATTY. DOCKET NO.
10/069,357	Bernd Ibscher	0273-0009

APR 30 2002

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SHANKS &amp; HERBERT

INTERNATIONAL APPLICATION NO.	
PCT/EP00/07993	
I.A. FILING DATE	PRIORITY DATE
08/16/2000	08/25/1999

CONFIRMATION NO. 1386

371 FORMALITIES LETTER



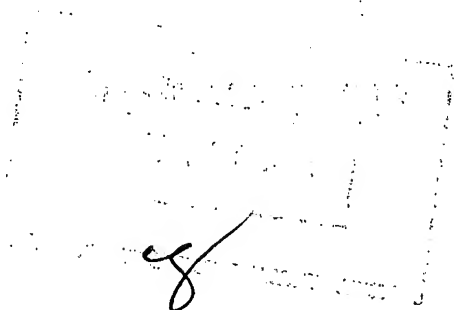
\*OC000000007932847\*

Date Mailed: 04/24/2002

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- U.S. Basic National Fees
- Priority Document
- Copy of IPE Report
- Copy of references cited in ISR
- Copy of the International Application
- Copy of the International Search Report
- Preliminary Amendments



The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- \$130 Surcharge for providing the oath or declaration later than the appropriate 30 months months from the priority date (37 CFR 1.492(e)) is required.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTH FROM THE DATE OF THIS NOTICE OR BY 22 or 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Additionally the following defects have been observed:

- Additional claim fees of **\$36** as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

## SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$166** for a Large Entity:

- **\$130** Late oath or declaration Surcharge.
- Total additional claim fee(s) for this application is **\$36**
  - **\$36** for **13** total claims over 20.

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

WINSTON M ALVARADO

Telephone: (703) 305-6421

## PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/069,357	PCT/EP00/07993	0273-0009

FORM PCT/DO/EO/905 (371 Formalities Notice)

05/14/2002 SHAJARRO 00000097 10069357

01 FC:154  
02 FC:966

130.00 OP  
36.00 OP